IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re DMCA Subpoena to Fine Art America	)	
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	)	Civil Action No. 1:17-cv-02385
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THE ESTATE OF VIVIAN MAIER'S REQUEST FOR ISSUANCE OF SUBPOENA TO FINE ART AMERICA TO IDENTIFY ALLEGED INFRINGERS

The Estate of Vivian Maier ("The Estate"), through its undersigned counsel, hereby requests that the Clerk of this Court issue a subpoena to Fine Art America ("FAA") to identify alleged infringer or infringers pursuant to the Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. § 512(h) (the "DMCA Subpoena"). The proposed DMCA Subpoena is attached hereto as Exhibit A.

The DMCA Subpoena is directed to FAA, a service provider that operates a website that offers art for sale to which the infringing party or parties posted various images photographed by Ms. Maier. Third parties are utilizing the FAA service to market and sell unauthorized reproductions and copies of works authored by Ms. Maier, in which her estate holds the copyright. The user names of the infringing party or parties are set forth as follows: "David Lee Guss" and "Han Wolfgang Muller Leg." The declaration of James E. Griffith in support of The Estate's request is attached hereto as Exhibit B.

The Estate has satisfied the requirements for issuance of a subpoena pursuant to 17 U.S.C. § 512(h), namely:

1) The Estate submitted a copy of the DMCA notification required by 17 U.S.C. § 512(c)(3)(A) as Annex 1 to the Declaration, filed concurrently herewith;

2) The Estate submitted the proposed DMCA Subpoena concurrently herewith; and

3) The Estate submitted a sworn declaration confirming that the purpose for which the subpoena is sought is to obtain the identity of the alleged infringer or infringers and that such information will only be used for the purpose of protecting The Estate's rights under the DMCA.

Because The Estate has satisfied the statutory requirements under 17 U.S.C. § 512(h), The Estate respectfully requests that the Clerk issue and sign the proposed DMCA Subpoena attached as Exhibit A and return it to the undersigned counsel for service on the subpoena recipient.

Respectfully submitted,

Dated: March 29, 2017

By:____________________________

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